

defective, or insufficient in its origin; or had been nullified by the fraud, or any improper act of the plaintiff; or had been fully satisfied, the plaintiff could not have had any foundation on which to call for the preservation and protection of property which never had been, or had ceased to be thus legally pledged for his benefit. The validity of the mortgage has been sustained, and it is in proof, that there is still a large amount of debt covered by it. These points having been investigated and determined, as a necessary basis for the decree now called for in relation to the injunction, must be considered as closed and finally concluded between these parties and those claiming under them, on any bill, which may be hereafter filed, either to foreclose, or to redeem. But it would be needless now to determine the exact amount of the debt due; and therefore I deem it unnecessary to say whether the sum received from *Penrice* by *Thomas Clagett*, or the house-rent, ought or ought not to be considered as parts of the mortgage debt, the amount of which it will be most proper to determine hereafter upon another bill. (x)

Neither of the parties to this suit can sustain any substantial injury from this injunction being made perpetual; because it will merely so guard the property pledged as to give to the plaintiff the full benefit of it, when he shall find it necessary, or be prepared to come here, and ask to have it applied to the satisfaction of his claim; and it will leave the defendants free to redeem and disengage it from the lien by which it is now bound, at any time that they may think proper to pay the debt. I shall therefore, by a decree *quia timet* (y) continue the injunction, so as to cover all the personal property now ascertained to be embraced by the mortgage; subject to the further order of the court, on either a bill to foreclose or redeem.

Whereupon it is DECREED, that the defendants be and they are hereby restrained and enjoined, as prayed by the bill of complaint, from selling, concealing, or removing beyond the jurisdiction of this court the negro men slaves named *Jack, Kitt, Adam, &c.* and four horses, &c. or any of them; or any other of the mortgaged property in the possession of the said defendants or any of them at the time the said injunction heretofore granted was served on them, until the further order of this court on any bill which may

---

(x) *Marshall v. Thompson*, 2 Mun. 412; *Sparks v. Garriques*, 1 Bin. 152.—

(y) *Nutbrown v. Thornton*, 10 Ves. 161.